

Comments Regarding Petition for Rulemaking RM-11306

To The Commission:

The following are comments AGAINST the Petition for Rulemaking RM-11306 (hereinafter “The Petition”).

While certainly well-intentioned, the amendments proposed in The Petition do not appear to eliminate regulatory difficulties as much as substitute one set with another. The concern of the current regulations’ chilling effect on experimentation with digital modes has already been addressed by The Commission in the amendments to §97.309(a)(4) referenced in The Petition. The assertion by ARRL, Inc. (hereinafter “The Petitioners”) that those amendments only cover ‘specific “designer” modes’ is fundamentally flawed. This regulation states, in part, that an amateur “...may use any technique whose technical characteristics have been documented publicly, *such as* CLOVER, G-TOR, or PacTOR...” (emphasis added). As written, the specified modes are provided as examples of digital modes that match said criteria (i.e. publicly documented modes), not as limitations to those modes, as The Petitioners appear to have interpreted them.

While the need to divorce regulations from emission designators rapidly losing their relevance is valid, such a purpose can be achieved without a complete re-write of band allocations.

Bandwidth regulations of any kind are inherently difficult to enforce. Unless every Amateur operator is required to show proficiency with a spectrum analyzer *and* an understanding of components of signals in a mode they may have no proficiency (or indeed any interest) in whatsoever, it is reasonable to conclude that a service intended to be self-policing will certainly fail to be so under the proposed regulations.

One only needs to read some of the comments already on file in this proceeding to see examples of misunderstanding between modes that are not directly compatible causing much unrest amongst operators of both modes. Such instances will only multiply if The Petition is enacted. The Petitioners claim (in The Petition, ¶10) that many Amateurs are confused by the concept of baseband modulation vs. content of data, yet would appear to believe that the very same service can effectively police itself regarding bandwidth issues. Both situations cannot possibly be true.

Given these facts, it would appear that the primary onus of bandwidth enforcement would invariably fall on The Commission itself if The Petition

were enacted. The ranks of Amateur operators are not sufficiently populated with trained RF engineers for reliable, scientifically correct bandwidth measurements of our own signals, let alone those of another operator.

Moreover, Appendix A of The Petition, in the proposed band plan, there are per-mode exceptions to the bandwidth restrictions, specifically for double-sideband AM telephony (mode designator A3E). While this AM operator appreciates The Petitioners' consideration, it does appear to counter The Petition's underlying premise that per-mode regulations are obsolete or should be deprecated.

In closing: though The Petitioners are addressing several issues which are important to Amateur operators, and appear to be doing so in good faith, the enactment of The Petition would have serious unintended consequences for the service and The Commission, with little if any benefit in return. The current regulations, as well as The Commission's prior statements regarding freedom of Amateur experimentation, already serve to provide the protections sought in The Petition. The issues referenced in The Petition are issues that warrant attention, but do not warrant a complete rewrite of regulations currently governing Amateur spectrum layout.

It is for these reasons I respectfully file these comments OPPOSING The Petition.

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